

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|-----------------------|---|---------------------------|
| MAXIMINO MACIAS, JR., |) | CASE NO. 3:02CV7624 |
| |) | |
| |) | JUDGE ECONOMUS |
| Petitioner, |) | |
| |) | MAGISTRATE JUDGE HERMANN |
| v. |) | |
| |) | |
| STATE OF OHIO, |) | REPORT AND RECOMMENDATION |
| |) | |
| Respondent. |) | |

This matter has been stayed to allow petitioner to exhaust his state remedies. On August 9, 2006 this court became aware of the fact that petitioner has been released from prison. The court promptly issued an Order requiring petitioner to show cause why the case should not be dismissed for lack of jurisdiction. Petitioner was served by certified and regular mail¹ and given 14 days in which to respond. He has not responded.

Therefore, the magistrate judge recommends that the habeas petition be dismissed for

¹The certified mail receipt has not been returned. Both notices were sent to petitioner's last known address.

lack of jurisdiction.

Dated: August 28, 2006

s:\Patricia A. Hemann
Patricia A. Hemann
United States Magistrate Judge

OBJECTIONS

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).